

Message Text

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INFO AMEMBASSY LONDON PRIORITY

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S E C R E T SECTION 01 OF 02 GENEVA 08829

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E.O.11652:XGDS-3

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SUBJECT: CTB NEGOTIATIONS: ANALYSIS OF PROVISIONS OF
MULTILATERAL TREATY PERTAINING TO VERIFICATION

CTB MESSAGE NO.237

1. THIS MESSAGE CONTAINS ANALYSIS OF THE COMPOSITE TEXT
OF THE MULTILATERAL TREATY'S PROVISIONS ON VERIFICATION
(CTB MESSAGE 236) WHICH HAVE BEEN DEVELOPED BY THE
THREE DELEGATIONS.

2. GOING INTO THE CURRENT ROUND, THE SOVIET POSITION ON
VERIFICATION PROVISIONS OF THE MULTILATERAL TREATY WAS
SET FORTH IN THE DRAFT ARTICLE WHICH THEY DISTRIBUTED TO
OTHER DELEGATIONS ON FEBRUARY 9 (CTB MESSAGE 126). THE
US PROVISION WAS EMBODIED IN OUR DECEMBER 7 WORKING PAPER
(CTB MESSAGE 77) AND IN OUR PROPOSED LANGUAGE REGARDING
THE INITIATION OF ON-SITE INSPECTIONS UNDER THE MULTI-
LATERAL AGREEMENT (PARA 5 OF CTB MESSAGE 200). AS WE

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REPORTED IN CTB MESSAGE 225, ALL DELEGATIONS AGREED THAT
WE COULD BEGIN DEVELOPMENT OF TREATY TEXT (AS OPPOSED TO
KEY ELEMENTS) WITH THE UNDERSTANDING THAT CCD PRESENT-
ATIONAL ASPECTS COULD BE RETURNED TO AT A LATER TIME.
THE ANALYSIS IN THIS MESSAGE INDICATES HOW WE STAND WITH
RESPECT TO THOSE ISSUES THAT HAVE BEEN RESOLVED AT THE
PRESENT TIME.

3. INTRODUCTION TO THE VERIFICATION ARTICLE: FOLLOWING THE FORMAT OF THE DECEMBER 7 WORKING PAPER, THE UNITED STATES PROPOSED THAT AN INTRODUCTORY CLAUSE WOULD INDICATE THE PURPOSE OF THE VERIFICATION PROVISIONS. THE SOVIET PROPOSAL CONTAINED NO SUCH INTRODUCTION. THE SOVIETS HAVE AGREED TO AN INTRODUCTORY CLAUSE.

4. NATIONAL TECHNICAL MEANS: BOTH THE SOVIETS AND THE UNITED STATES PROPOSED SECTIONS PERTAINING TO NATIONAL TECHNICAL MEANS OF VERIFICATION, BASED ON LANGUAGE USED IN THE SALT AND THRESHOLD TEST BAN TREATIES. WE PROPOSED THAT THESE CLAUSES BE CONTAINED IN A SINGLE PARAGRAPH, SO AS NOT TO EXAGGERATE THE IMPORTANCE OF NATIONAL TECHNICAL MEANS, WHICH MANY SIGNATORIES MIGHT NOT BE IN A POSITION TO USE. THE DRAFT REFLECTS OUR PREFERENCE. THE UNITED KINGDOM DELEGATION HAS PROPOSED THE BRACKETED PHRASE "AND APPLICABLE RULES", WHICH IS FOUND IN AN ARTICLE OF THE ENMOD CONVENTION. BOTH WE AND THE SOVIETS HAVE DECLINED TO ACCEPT THIS BRACKETED PROPOSAL BECAUSE IT IS NOT CLEAR THAT THERE ARE "RULES" OF INTERNATIONAL LAW PERTAINING TO THE USE OF NATIONAL TECHNICAL MEANS OF VERIFICATION AND THE CONTEXT OF THE ENMOD PROVISION IS NOT THE SAME.

5. DATA EXCHANGE: THE DATA EXCHANGE CLAUSE IS SIMILAR
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TO PROPOSALS MADE BY ALL SIDES.

6. CONSULTATIONS: UNDER OUR DECEMBER 7 PROPOSAL, A PARTY WOULD BE OBLIGATED TO "FURNISH" INFORMATION IN RESPONSE TO APPROPRIATE INQUIRIES. UNDER THE SOVIET DRAFT OF FEBRUARY 9, THE PARTIES WOULD "RECEIVE APPROPRIATE INFORMATION" BUT WOULD NOT HAVE ANY OBLIGATION TO FURNISH IT. THE DRAFT REFLECTS OUR PREFERENCE FOR AN OBLIGATION TO FURNISH INFORMATION.

7. ON-SITE INSPECTIONS: THE COMPOSITE TEXT TRACKS THE SIMILAR PROVISION FOR THE SEPARATE VERIFICATION AGREEMENT WHICH WE WORKED OUT TWO WEEKS AGO AND REPORTED IN CTB MESSAGES 223 AND 224. AS IN THE OTHER DOCUMENT, WE HAVE AVOIDED THE TERM "SEISMIC EVENT" WHICH COULD HAVE LIMITED THE TYPE OF EVENT THAT COULD TRIGGER AN INSPECTION AND HAVE INCLUDED A STATEMENT OF PURPOSE FOR AN OSI IN THE TERMS WE DESIRED, I.E., "ASCERTAINING WHETHER OR NOT THE EVENT WAS A NUCLEAR EXPLOSION". WE ARE HOLDING TO OUR POSITION THAT SEISMIC EVIDENCE NEED NOT SUPPORT EVERY INSPECTION REQUEST, WHICH ACCOUNTS FOR THE BRACKETS ON THE WORDS "OR" AND "AND". THIS, HOWEVER, IS CLEARLY MUCH MORE

IMPORTANT FOR US IN THE SEPARATE VERIFICATION AGREEMENT THAN IN THE MULTILATERAL AGREEMENT, SINCE FEW IF ANY OTHER PARTIES WILL HAVE SATELLITES THAT COULD DETECT NON-SEISMIC EVIDENCE OF CLANDESTINE TESTS. WE HAVE ACCEPTED A SOVIET PROPOSAL THAT THE REQUESTED PARTY SHOULD MAKE ITS DECISION "UNDERSTANDING THE IMPORTANCE OF ENSURING CONFIDENCE AMONG PARTIES THAT TREATY OBLIGATIONS ARE BEING FULFILLED".

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8. INTERNATIONAL CONSULTATIVE COMMISSION: WE HAVE PROPOSED THE CREATION OF AN INTERNATIONAL CONSULTATIVE COMMISSION TO ASSIST IN CERTAIN ASPECTS OF TREATY VERIFICATION. THE SOVIETS HAVE CONSISTENTLY RESISTED THIS PROPOSAL. THE ENTIRE PARAGRAPH IS BRACKETED.

9. ADDITIONAL MEASURES: BOTH PARTIES PROPOSED A CLAUSE ENABLING PARTIES TO AGREE ON ADDITIONAL MEASURES TO FACILITATE VERIFICATION. THE MAIN PURPOSE OF THIS CLAUSE IS TO GIVE MULTILATERAL SANCTION TO THE SEPARATE VERIFICATION AGREEMENT THAT WE ARE NOW NEGOTIATING.

10. COMPLAINTS TO THE SECURITY COUNCIL: THE SOVIETS PROPOSED A CLAUSE, BASED ON ARTICLE VI (1) OF THE BIOLOGICAL WEAPONS CONVENTION AND ARTICLE V (3) OF THE ENMOD CONVENTION, WHEREBY A PARTY COULD LODGE COMPLAINTS ABOUT VIOLATIONS IN THE SECURITY COUNCIL. WE ACCEPTED

THIS PROVISION, WHICH GIVES ALL PARTIES TO THE TREATY
RECOURSE TO THE SECURITY COUNCIL AND MAY HELP TO HEAD OFF
DEMANDS BY OTHER COUNTRIES FOR MORE CUMBERSOME PROVISIONS
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REGARDING COMPLAINTS ABOUT COMPLIANCE. JOHNSON

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